

ASSEMBLY BILL

No. 253

Introduced by Assembly Member Steinberg

February 4, 2003

An act to add Sections 1276.41 and 1276.42 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 253, as introduced, Steinberg. Health facilities: nurse-to-patient ratios.

Existing law relating to the regulation of health facilities requires the State Department of Health Services, by January 1, 2002, to adopt specified regulations with respect to licensed nurse-to-patient ratios for specified health facilities, including acute care hospitals.

This bill would require the department to ensure compliance with these licensed nurse-to-patient ratios by taking specified measures when an acute care hospital is not in compliance. This bill would also require the department to issue a report to the Legislature 5 years after the establishment of licensed nurse-to-patient ratios that includes information and criteria based on actual practice and standards of practice for licensed nurses and an assessment of the implementation and compliance with nurse-to-patient ratio requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) State law providing for licensed nurse-to-patient ratio
2 requirements was enacted to ensure that all acute care hospitals in
3 the state provide the highest level of safe, therapeutic, and
4 effective patient care.

5 (b) The State Department of Health Services has undergone a
6 three-year process of examining current nursing practice standards
7 and hospital staffing patterns and of conducting extensive research
8 regarding the relationship between safe nursing staff levels and
9 positive outcomes for patients. This process established the
10 specific, numerical ratios for safe, licensed nurse-to-patient ratios
11 in all units in general acute care facilities throughout the state.

12 (c) It is among the highest health care service priorities that
13 acute care hospitals comply with these staff ratios to benefit and
14 protect patients.

15 (d) To ensure compliance with these ratios, additional and
16 flexible enforcement mechanisms should be provided to the
17 department when hospitals fail to comply with the law.

18 (e) The study is necessary to establish ratios that include both
19 the best case nursing practices and measurements for patient
20 outcomes that reflect the experience of nurses and patients in acute
21 care facilities.

22 SEC. 2. Section 1276.41 is added to the Health and Safety
23 Code, to read:

24 1276.41. (a) The department shall ensure compliance with
25 Section 1276.4 by unannounced and announced inspections as
26 well as any other method deemed necessary, if consistent with law
27 or regulation, to ensure safe, therapeutic, and effective patient
28 care.

29 (b) If an acute care hospital is not in compliance with Section
30 1276.4, the department may do any or all of the following:

31 (1) Cite the hospital and require immediate corrective action.

32 (2) If immediate corrective action is not taken, assess a fine
33 against the hospital of ____ (\$____) for each finding of
34 noncompliance.

35 (3) If immediate corrective action is not taken and if the
36 department finds that the noncompliance creates a risk to patient
37 safety, order that any unit or units not in compliance be shut down.
38 Patients located in these units shall be transferred to appropriate
39 units based on acuity and staff levels either within the same
40 hospital or transferred to another facility. No patients may be



1 transferred or admitted to a new unit without the approval of the
2 department.

3 (4) Implement any other remedy available under current law
4 and regulation.

5 SEC. 3. Section 1276.42 is added to the Health and Safety
6 Code, to read:

7 1276.42. (a) The department shall submit a report to the
8 Legislature five years after the establishment of licensed
9 nurse-to-patient ratios.

10 (b) The report required by subdivision (a) shall include both of
11 the following:

12 (1) Information and criteria based on actual practice and
13 standards of practice for licensed nurses.

14 (2) An assessment of the implementation and compliance with
15 the nurse-to-patient ratio requirements.

16 (c) In preparing the report, the department shall consult with
17 the Office of Statewide Health Planning and Development
18 (OSHPD) in order to review relevant hospital data.

